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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,996	04/13/2004	Norbert Breusch	HOE-813	5006
20028	7590	06/30/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER
			1723	
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/823,996

Applicant(s)

BREUSCH, NORBERT

Examiner

Yoon-Young Kim

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0404</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty, Jr., U.S. Patent No. 3,971,721 in view of Holyoak, U.S. Patent No. 4,089,783.

Regarding Claim 1, Fogarty discloses a filter element (Fig. 3, #13) for fluids comprising a filter material (#19), and a grid-like supporting structure (#18) supporting the filter material at least on its outflow side in relation to the flow direction of the filter element and having elements made of a plastics material (#22) and electrically conductive elements (#21), wherein the supporting structure forms a supporting fabric comprising both metal threads and plastic threads, and the filter material and the supporting fabric lie surface-to-surface against one another. However, Fogarty does not disclose that the filter is folded. Holyoak teaches a filter element comprising a filter material (Fig. 1, #12) and a supporting structure (#14) which are folded in the shape of a star (Fig. 2). It would have been obvious to one of ordinary skill in the art to modify Fogarty with the element of Holyoak in order to provide a relatively large surface area in a relatively small and compact space (Col. 3, Lines 11-14).

Regarding Claim 2, Fogarty discloses that the warp threads of the supporting fabric are made of a plastics material (Col. 5, Lines 13-16).

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Regarding Claim 3, Fogarty discloses that the weft threads of the supporting fabric are made of metal (Col. 4, Line 65 – Col. 5, Line 2).

Regarding Claim 9, Fogarty discloses that the electrically conductive material is a stainless steel (Col. 4, Line 65 – Col. 5, Line 2).

Regarding Claim 10, Fogarty discloses that the plastics material is a polyester material (Col. 5, Lines 13-16).

Regarding Claim 11, Holyoak discloses that the filter material comprises a fine filter layer (#12), a protective layer (#13) covering the fine filter layer at least on its outflow side and/or a prefilter layer (#13) covering the fine filter layer on its inflow side.

Regarding Claim 12, Holyoak discloses that the filter material is covered on its inflow side by a screen-like protective fabric (#13).

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty in view of Holyoak as applied to Claim 1 above, and further in view of Lovett, U.S. Patent No. 3,388,805.

Regarding Claims 4-7, Fogarty in view of Holyoak does not disclose that the warp and weft threads of the supporting fabric have different diameters. Lovett teaches a grid-like filter element wherein the diameter of the warp threads is larger than the diameter of the weft threads. Lovett also teaches that the warp threads have a diameter of 0.004 inches and the weft threads have a diameter of 0.0016 inches (Col. 2, Lines 27-31). It would have been obvious to one of ordinary skill in the art to modify Fogarty in view of Holyoak with the element of Lovett because it is a composition well known in the filter art (Col. 1, Lines 23-30).

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4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty in view of Holyoak as applied to Claim 1 above, and further in view of Lauer et al., U.S. Patent No. 5,622,624.

Regarding Claim 8, Fogarty in view of Holyoak does not disclose the mesh width. Lauer teaches a mesh width of 0.75 mm to 2.5 mm (Col. 5, Line 54). One of skill in the art would by routine experimentation find the optimum mesh width. It would have been obvious to one of skill in the art to make the mesh width of Fogarty in view of Holyoak as desired or required, including as claimed to optimize filtration.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK  
06/21/05

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700